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Proposal 572 RELATING TO ENVIRONMENTAL PROTECTION

Statement for
Con Con Committee on Environment, Agriculture,
Conservation and Land
Public Hearing 12 August 1978

by
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Proposal 572 would amend Article X of the Constitution to require that the legislature vest in a Department of Environmental Protection powers for protection of natural resources and provide for the abatement of excessive noise. This statement on the proposal does not reflect an institutional position of the University of Hawaii.

Except in the case of education, the Constitution, at present is not specific as to the placement of executive powers in specific departments. Proposal 572 would thus be unusual.

All of the powers recognized in the proposal except that of abatement of noise and the regulation of air and water pollution, have been vested, by the legislature, in the Department of Land and Natural Resources. One effect of the proposal might be to change the name of that department to the Department of Environmental Protection and transfer to it the noise abatement powers and possibly the air and water quality regulatory powers as well, that are placed in the Department of Health. An alternative might be that the natural resource management powers would be removed from the Department of Land and Natural Resources and that noise abatement and possibly air and water pollution control powers, be removed from the Department of Health and both sets of powers placed in a new department.

The transfer would either separate noise abatement and possibly pollution control from other nuisance abatement and public health maintenance powers of the Department of Health or separate management of resources, other than land, from the management of land. The disadvantages of the separations would seem as important as the advantages of the combinations. It seems unwise to address in the Constitution such organizational details.

The Convention should not overlook the useful powers of the Office of Environmental Quality Control to coordinate environmental protection activities of all state departments

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